

Message Text

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11
ACTION EUR-12

INFO OCT-01 ISO-00 CIAE-00 DODE-00 PM-04 H-02 INR-07 L-03

NSAE-00 NSC-05 PA-01 PRS-01 SP-02 SS-15 USIA-06 SAM-01

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R 161524Z APR 76
FM AMEMBASSY MOSCOW
TO SECSTATE WASHDC 2672
INFO AMEMBASSY BELGRADE
AMEMBASSY BERLIN
AMEMBASSY BUCHAREST
AMEMBASSY BUDAPEST
AMCONSUL LENINGRAD
AMEMBASSY LONDON
AMCONSUL MUNICH
AMEMBASSY PARIS
AMEMBASSY PRAGUE
AMEMBASSY SOFIA
USMISSION USUN
AMEMBASSY WARSAW

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E.O. 11652 N/A
TAGS: PINT, UR
SUBJECT: TVERDOKHLEBOV FOUND GUILTY ON ALL COUNTS

1. SUMMARY. ON APRIL 15 ANDREY TVERDOKHLEBOV WAS FOUND GUILTY ON ALL ELEVEN COUNTS OF INDICTMENT AND SENTENCED TO FIVE YEARS OF EXILE, LESS TIME SERVED, LEAVING HIM WITH TWO YEARS TO SERVE. EMBOFF WAS PRESENT AT COURTHOUSE DURING THE TWO DAYS OF THE TRIAL, ALTHOUGH NEITHER HE NOR FOREIGN JOURNALISTS NOR OTHER WAITING TO ATTEND WERE ADMITTED TO OBSERVE TRIAL. THE REASON GIVEN FOR REFUSAL WAS THAT THE COURT ROOM WAS "ALREADY FULL." CONDUCT OF TRIAL, TIGHT SECURITY, AND ATTITUDE OF AUTHORITIES TOWARD PUBLIC WHO WAITED OUTSIDE COURT FOR TWO DAYS ONCE AGAIN DEMONSTRATED
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SOVIETS' DISREGARD FOR THEIR OWN LAWS AND GUARANTEES OF PERSONAL

RIGHTS. END SUMMARY.

2. ON APRIL 15, ANDREY TVERDOKHLEBOV WAS FOUND GUILTY ON ALL ELEVEN COUNTS UNDER ARTICLE 190 OF SOVIET CRIMINAL CODE AND SENTENCED TO FIVE YEARS OF EXILE, TAKING INTO ACCOUNT TIME ALREADY SERVED. IN EFFECT, THEREFORE, HE HAS TWO YEARS LEFT TO SERVE, SINCE HE HAS ALREADY BEEN IN DETENTION FOR ABOUT A YEAR SINCE HIS ARREST, AND, ACCORDING TO SOVIET LAW, ONE DAY OF IMPRISONMENT IS EQUIVALENT TO THREE DAYS OF EXILE.

3. EMBOFF WAS PRESENT AT COURTHOUSE DURING THE TWO DAYS OF THE TRIAL, ALTHOUGH NEITHER HE NOR FOREIGN JOURNALISTS NOR OTHERS WAITING AT THE COURTHOUSE WERE ADMITTED TO OBSERVE THE TRIAL. EMBOFF ARRIVED ON FIRST DAY AT 0745, FOR TRIAL SCHEDULED TO BEGIN AT 0900, TO FIND ELABORATE SECURITY PRECAUTIONS BUT ONLY TWO PERSONS WAITING AT THE COURTHOUSE DOOR. A HALF HOUR LATER, THOSE SEEKING ADMISSION, WHOSE NUMBER WAS NOW ABOUT THIRTY, WERE LET INTO BUILDING AND INFORMED AT FOOT OF STAIRS LEADING TO COURTROOM ON SECOND FLOOR THAT NO ONE COULD GO UP BECAUSE THE COURT ROOM WAS "ALREADY FULL." EMBOFF IDENTIFIED HISSELF AS DIPLOMAT BUT WAS NONETHELESS DENIED ADMISSION. ANOTHER EFFORT TO GAIN ADMISSION LATER IN DAY PROVED EQUALLY FUTILE.

3. TVERDOKHLEBOV'S RELATIVES, WHO WERE ADMITTED, LATER REPORTED THAT COURTROOM WAS IN FACT FILLED WITH PEOPLE, WHO, AS MIGHT BE EXPECTED, WERE HOSTILE TO TVERDOKHLEBOV AND LAUGHED AT HIS TESTIMONY. THERE WERE, HOWEVER, REPORTEDLY ABOUT FIVE EMPTY SEATS. ONE VERY EARLY ARRIVAL REPORTED THAT BUSLOADS OF MILITIA AND OTHERS ARRIVED AT 0700.

4. WHEN CROWD AT FOOT OF STAIRS BEGAN TO ARGUE WITH SECURITY PERSONNEL AND TO QUESTION LEGALITY OF COURT PROCEEDINGS WHICH WERE OBVIOUSLY NOT OPEN TO PUBLIC, JOURNALISTS BEGAN TO TAKE PICTURES OF ANGRY SCENE. SECURITY PERSONNEL MOVED IN TO PREVENT PHOTOGRAPHS AND IN ONE INSTANCE TRIED TO GRAB CAMERA FROM AMERICAN REPORTER, BUT WISELY DESISTED WHEN HE SHOWED EVERY INTENTION TO RESIST GIVING UP THE FILM. INSTEAD, EVERYBODY WAS EXPELLED FROM COURT BUILDING TO STREET OUTSIDE.

5. FOR THE REST OF THE DAY UNTIL 2000, WHEN COURT ADJOURNED,
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AND DURING NEXT DAY, CROWD INCLUDING EMBOFF CLUSTERED OUTSIDE IN WARM SPRING SUN.

6. DURING MIDDAY BREAK, AND AGAIN IN EVENING, IMMEDIATE FAMILY MEMBERS AND WITNESSES FOR DEFENSE CAME OUTSIDE TO BRIEF CROWD, NOW GROWN IN SIZE TO ABOUT FIFTY. THOSE PRESENT INCLUDED FRIENDS OF TVERDOKHLEBOV AND NUMEROUS DISSIDENTS, ALL OF WHOM SHARED GRAPEVINE RUMORS WITH REPORTERS AND EMBOFF AMID SCENE OF

AMIABLE CAMARADERIE, WHILE GOONS LOOKED ON AND TOOK PHOTO-GRAPHS.

7. ON MORNING OF SECOND DAY, ONE DISSIDENT WAS ARRESTED FOR OSTENSIBLY FAILING TO MOVE BACK WHEN ORDERED BY MILITIA. IN FINAL INDIGNITY, CROWD WAS MOVED FROM FRONT OF COURTHOUSE TO FAR END OF ROAD WHEN TRIAL ENDED, TO PREVENT PEOPLE FROM SEEING, AND CHEERING, TVERDOKHLEBOV, AS THEY HAD DONE THE PREVIOUS EVENING WHEN HE WAS HUSTLED FROM COURTHOUSE INTO WAITING VAN.

8. DETAILS OF TRIAL ARE FOR THE MOMENT AVAILABLE ONLY IN FRAGMENTARY REPORTS FROM FAMILY AND FRIENDLY WITNESSES. IN ONE INTERESTING DEFENSE ARGUMENT, TVERDOKHLEBOV CITED STATEMENT BY BREZHNEV IN ONE OF HIS SPEECHES THAT FREE EXCHANGE OF INFORMATION MUST TAKE PLACE IN CONTEXT OF EACH CONTRY'S LAWS AND CUSTOMS. TVERDOKHLEBOV ARGUED

THAT WHILE HE DID NOT VIOLATE ANY SOVIET LAW, HE MAY WELL HAVE VIOLATED SOVIET CUSTOM. ONE DISSIDENT, ON HEARING THIS ARGUMENT, CRACKED, "YES, THE SOVIET CUSTOM IS FOR THE SOVIET PEOPLE NOT TO USE THEIR RIGHTS THEY ARE SUPPOSED TO HAVE."

9. DETAILED AIRGRAM WILL FOLLOW.
BREMENT

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